

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

IFW\$

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/798,217	03/09/2004	Roy Wiley	4001-0024B (ZM0626)

CONFIRMATION NO. 3495

FORMALITIES LETTER



OC000000013034122

Gerald W Roberts
 Indiano Vaughan Roberts & Filomena LLP
 Suite 850
 One North Pennsylvania Street
 Indianapolis, IN 46204

Date Mailed: 06/22/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

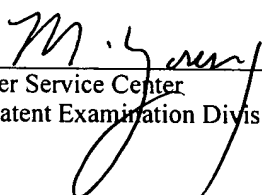
Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

08/30/2004 MAHME1 00000074 502779 10798217
 01 FC:1001 770.00 DA
 02 FC:1051 130.00 DA

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

25

Application Number

10/798,217

Filing Date

03/09/2004

First Named Inventor

Roy C. Wiley

Art Unit

3763

Examiner Name

Attorney Docket Number

4001-0024B (ZM0626)

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Please see the Remarks below and the Response to Missing Parts/ Incomplete Application.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks Please charge the \$900 fee(s) that is(are) due, and charge any shortages in fees or credit any over payments throughout the pendency of this application to deposit account No. 50-2779 (Zimmer Technology, Inc.).	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Herewith please find the following: A. This Transmittal Form including a deposit account authorization, in duplicate (2 pages total); B. Response to Missing Parts/ Incomplete Application (3 pages); C. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages); D. Red-marked/ corrected Filing Receipt (2 pages); E. A separate Declaration executed by each of the four inventors (12 pages total); F. A separate Power of Attorney executed by each of the four inventors (4 pages total); and G. A self-addressed, stamped return postcard listing items A-F.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Gerald W. Roberts Registration No. 45,046 Indiana Vaughan Roberts & Filomena, LLP, One N. Pennsylvania St., Suite 850, Indianapolis, IN 46204 (317)822-0033
Signature	
Date	August 23, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Gerald W. Roberts, Registration No. 45,046		
Signature		Date	August 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NOTE: This Transmittal Form includes a deposit account authorization. Please see the Remarks section.



INDIANO AUGHAN ROBERTS & FILOMENA, LLP

Gerald W. Roberts
One North Pennsylvania Street, Suite 850
Indianapolis, Indiana 46204
(317) 822-0033

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 10/798,217 }
Applicant(s): Wiley et al. }
Application Filed: March 9, 2004 }
Title: ORTHOPAEDIC INJECTION }
RESTRICTOR APPARATUS }
AND METHOD }
Art Unit: 3763 }
Examiner: Unknown }
Atty. Docket: 4001-0024B (ZM0626) }
Cust. No.: 000043232 }

Certificate Under 37 CFR § 1.8(a)

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in
an envelope addressed to the Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

on August 23, 2004

Gerald W. Roberts
Gerald W. Roberts, Reg. No. 45,046

Dated: 08/23/2004

RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Notice to File Missing Parts of Nonprovisional Application
mailed on June 22, 2004 (06/22/2004) ("Notice"), Applicant(s) respectfully submit(s) this
Response to Missing Parts/ Incomplete Application ("Response") for the above-identified
application and respectfully submit(s) the following contemporaneously herewith as part of this
Response:

Response to Missing Parts/ Incomplete Application
Atty. Docket: 4001-0024B (ZM0626)
Application Serial No.: 10/798,217

- A. A Transmittal Form including a deposit account authorization, in duplicate (2 pages total);
- B. This Response to Missing Parts/ Incomplete Application (3 pages);
- C. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages);
- D. Red-marked/ corrected Filing Receipt (2 pages);
- E. A separate Declaration executed by each of the four inventors (12 pages total);
- F. A separate Power of Attorney executed by each of the four inventors (4 pages total); and
- G. A self-addressed, stamped return postcard listing items A-F.

Remarks

Steven E. Stump was erroneously and without deceptive intent not named as an inventor in the above-identified application as originally filed. However, Steven E. Stump is named in the signed Declaration papers submitted contemporaneously herewith. Applicant(s) respectfully note that, as these Declaration papers present the first-filed executed declaration, they should automatically correct the inventorship to include Steven E. Stump. 37 CFR 1.48(f)(1); MPEP 201.03. Moreover, Applicant(s) have submitted a correspondingly corrected (red-marked) Filing Receipt contemporaneously herewith.

Please charge the \$900 fee(s) that is(are) due, and charge any shortages in fees or credit any over payments throughout the pendency of this application to **Deposit account No. 50-2779** (Zimmer Technology, Inc.).


Additionally, Applicant(s) respectfully request that, if necessary to effect a timely response, this paper also be considered to be a Petition for an Extension of Time sufficient to effect a timely response, and any shortages in fees be charged, or any over payments in fees be credited to **Deposit Account No. 50-2779** (Zimmer Technology, Inc.).

Applicant(s) respectfully submit that all pending claims of the above-identified application are in condition for allowance, and such action is respectfully requested.

Response to Missing Parts/ Incomplete Application
Atty. Docket: 4001-0024B (ZM0626)
Application Serial No.: 10/798,217

Additionally, Applicant(s) respectfully request acknowledgment of receipt of this (these) paper(s) (including the accompanying submissions) by marking and mailing the return postcard.

Respectfully submitted,



Gerald W. Roberts
Attorney for Applicant(s)
Registration No. 45,046

August 23, 2004

One North Pennsylvania Street, Suite 850
Indianapolis, Indiana 46204
Phone: (317) 822-0033

4001-0024B (ZM0626) RESP MISSING PARTS